

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERRENCE LLOYD HADDIX, JR.,

No. C-12-1674 EMC (pr)

Plaintiff,

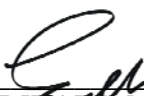
v.

**ORDER DENYING THIRD REQUEST
FOR COUNSEL**C/O SEAN BURRIS; *et al.*,Defendants.

Plaintiff has filed a third motion for appointment of counsel. A district court has the discretion under 28 U.S.C. §1915(e)(1) to designate counsel to represent an indigent civil litigant in exceptional circumstances. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). This requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved. *See id.* Neither of these factors is dispositive and both must be viewed together before deciding on a request for counsel under § 1915(e)(1). Here, exceptional circumstances requiring the appointment of counsel are not evident at this time. Plaintiff has presented his case with sufficient skill to avoid summary judgment, and the legal issues are not complex in this case. Plaintiff urges that his case is now in the pretrial phase, but that is not correct: the case has been referred to the Court's *pro se* prisoner mediation program. The request for appointment of counsel is DENIED. (Docket # 66.)

IT IS SO ORDERED.

Dated: March 25, 2015


EDWARD M. CHEN
United States District Judge